

To: ProPublica

Thank you for your detailed response to my earlier comments on your coverage of the California Redistricting Commission. I do, however, feel the need to respond to some of your points because they continue to show a tendency to use only those facts that support your conclusion and leave out readily available information that demonstrates the Commission was not fooled by any political party efforts. That context, as I've said, is crucial, because other states are considering changes in how they establish districts and are wondering whether to adopt a system like California's. While you say your coverage has not endorsed procedures controlled by career politicians, your flawed coverage of California's process is being used to temper enthusiasm for a nonpartisan approach or to argue against it. For example, here is a link to recent news out of New Mexico:

<http://www.santafenewmexican.com/Local%20News/022313xgrRedistrict#.USpXnlfxx6O>

<http://www.santafenewmexican.com/Local%20News/022613XGRTidbits>

You have our permission to publish the original report sent to you and your response, but I also request that you include the following responses to your most recent comments:

Since your stated objective is working for the public good, I believe that what follows will demonstrate that you need to set the record straight at least on these points:

Doug Johnson

Thank you for publishing a correction on his title. However, the important point was not whether or not he was a Professor. The point was that in addition to being a Rose Institute Fellow he is also the CEO a private redistricting company, and most importantly his statement about expected Republican results was wrong. His assessment that the growth of California's population was in areas where Republicans have been traditionally strong was used to support your assertion that the Republicans should not have been in a position to lose so many seats. His observation about population growth, however, was only partially correct. As the information we presented earlier clearly shows; although there was growth in those areas, the growth came from people moving into those counties that were not likely to align with the Republican Party

Additionally, as we pointed out earlier, a detailed nonpartisan statistical analysis of California's election results http://www.nytimes.com/2013/02/03/opinion/sunday/the-great-gerrymander-of-2012.html?_r=0 showed that the Democrats won the number of congressional seats that would have been expected based on the votes cast for

Democrats versus Republican. This is in contrast to many other states, where paid redistricting technicians working on behalf of incumbent politicians continue to control redistricting.

The Valley Industry and Commerce Association (VICA)

In your recent comments, you cite Commissioner Parvenu's statement that "We honored the maps that were presented to us by VICA, as well as Redistricting Partners." True enough, but when Commissioner Parvenu's following entire statement is presented, it provides another example of your selecting only that information (in italics) that supported your point of view:

"...we did honor community testimony, we considered the Armenian Maps that were presented to us. We honored the testimony from the Latino community indicating there was a difference between East Valley vs. West Valley. We also kept Reseda and Northridge whole, *and we honored the maps that were presented to us by VICA, as well as Redistricting Partners*, so we took the best of all scenarios and came up with what I think is a very compact and reasonable Visualization here.

Now let's look at some numbers. This is important because your claim that Paul Mitchell and VICA unfairly influenced the race between Democratic incumbents Congressmen Sherman and Berman is at the core of your argument.

[See map marked District 30]

In this map, the new Congressional Districts are shown with a wide black border. The map submitted by VICA (CDB) is in two parts. The lightest shade of grey is the part of their submission that was included in the new district. The darkest shade of grey is the part that was not included. The white area within the new 30th District is the area added by the commission that was not in the VICA submission.

As you acknowledge, the map that VICA initially submitted bears little resemblance to the final map of the district where the two men competed. VICA's initial map envisioned including just 26,656 residents of the district that elected Berman in 2010. Instead, the map drawn by the Commission included neighboring areas that resulted in the inclusion of 114,477 voters from the old Berman district.

You claim that VICA and Mitchell won last-minutes tweaks that led to a Sherman victory. In fact, while VICA petitioned the Commission to split North Hills, the Commission, addressing the constitutionally mandated criteria for drawing the lines for all adjacent districts, kept North Hills whole and split Grenada Hills—a decision that resulted in the exclusion of 46,040 voters from the old Sherman district. For similar reasons the Commission also chose to split Porter Ranch, resulting part of Berman's old

district being included the new 30th. In the end, less than half of the voters in the new district came from Sherman's old district (47 %,) and a quarter came from Berman's old district (26%). The major portion of his old district, drawn by his redistricting expert brother, became part of the new 29th District which was drawn to meet the requirements of Section 5 of the Voting Rights Act

[See maps marked District 29 and District 29 Latino]

As in the previous map, the District 29 map shows in light grey the area submitted by VICA that is included in the new 29th District and the darker grey area indicates the portion that was not included. The District 29 Latino map shows the distribution of the Latino Populations which was a major consideration as we were attempting to draw the map to be compliant with Section 5 of the Voting Rights Act which was the second highest priority in our constitutionally mandated criteria.

To buttress your claim that VICA influenced the Commission, you say that Tony Cardenas, the winner in the San Fernando Valley 29th District, has long-standing ties to VICA's President. Candidate Cardenas was a well established elected official in the Valley. As your article points out, he has longstanding ties to lots of people; it should not be a surprise that he would receive support from the VICA President. Your singling out of Cardenas' ties to VICA suggests an influence beyond what you can justify. The 29th district, as maps 29 and Hispanic Population shows, was drawn to comply with Section 2 of the Voting Rights Act and was not influenced by any alleged connection between VICA and Congressman Cardenas.

Laura Richardson

The point isn't that she was a bad candidate and that is why she lost. The point is that, similar to the other race that pitted two Democratic incumbents, she also attempted, in this case by using programmed citizens from her district to influence the Commission. Yet, as you acknowledge, she failed to do so. It was not just a matter of whether her constituents were successful or not. The primary cause of the change in districts was the testimony of other citizens of Long beach (on April 27, 2011 and in continuing discussions) who kept mentioning that they appreciated the diversity of their community and the interesting things that diverse groups brought to the community and their desire to keep Long Beach as whole as possible. Other citizens testified that they also felt that Long Beach should be in the same district as the Port of Long Beach since the port was one of the largest employers in the area. This position was consistent with the fourth priority constitutionally mandated criteria; "Districts must respect the boundaries of cities, counties, neighborhoods and communities of interest, and minimize their division, to the extent possible.

[See Map marked District 44]

The darker grey area of this map shows the portions of Congresswoman Richardson's old district (37) which was not included in the new 44th District and the lighter grey shows the portion that was included. Of most importance to the concept of citizen involvement, however, is the adjacent District 47, which is to the lower right of District 44 and encompasses 82% of the city of Long Beach and now includes the Port of Long Beach. This action resulted in Congresswoman Richardson running in a district that encompassed less than 50% of the population of her incumbent district. Whether she won or lost is not as relevant as the fact that the testimony of the people she sent to keep her district intact was overwhelmed by other testimony that was more consistent with the criteria established in the California Constitution.

Awareness of politically motivated testimony

You stated that you found only one example where the motives behind consultant Paul Mitchell's testimony and submissions were questioned, but that hardly means we were blind to the possibilities of manipulation. You quote a commissioner as writing, "Obviously I think there are issues from ALL sorts of angles that pollutes our 'public comment'."

That was not the only evidence of the Commission's awareness of the possibility. For example, at the hearing in Los Angeles, (See <http://wedrawthelines.ca.gov/video-archive-april-28-2011-los-angeles.html> at about 1:27:09 into feed three) Commissioner Filkens-Webber's, following a series of speakers indicating that their congressional districts stay the same, asked one of the citizens whether he had attended community events or rallies put on by Representative Waters.

The makeup of the commission

You still fail to justify your description of the individual Commissioners. You described one member as a farmer rather than as a lawyer, owner operator of largest independent bookstore in central valley, and former member of the Davis City Council. You failed to note that Commissioner who is a "homemaker" is a former strategic planner. You failed to note that the architect was a member of a city planning commission. And you ignored two distinguished legal scholars and the former director of the U.S. Census Bureau.

Through your actions of selecting only those portions of resumes that support your point and omitting readily available contradictory evidence, you attempted to make the

commission seem ill-equipped to conduct redistricting and restrain the influence of partisan forces.

Election results

I'm well aware of the changes in election law that meant Pete Stark had to run against a fellow Democrat in the November election despite winning the primary by a large margin. What is clear is that by following the procedures in California's Constitution we created districts without favoring incumbents. Congressman Stark was required to run in a district that bore little resemblance to the district in which he served for so many years. He certainly was not given, as you implied in your original coverage, a "ticket back to DC."

Conclusion

I know it isn't easy to change your perspective on California's redistricting effort when you have found significant problems in other states. It is, however, interesting to note that the newspaper closest to all the political action in California, the Sacramento Bee, altered their position in a February 12, 2013 Editorial where they stated:

"We argued in 2010 that the newly formed independent redistricting commission should first demonstrate its ability to fairly redraw legislative districts before being given additional power to draw congressional lines. As it turns out, we were overly cautious.

Now, we look to other states to follow California's lead."

Read more here: <http://www.sacbee.com/2013/02/10/5176708/editorial-redistricting-reform>

Again, thank you for taking the time review our comments that were sent with the hope of altering your position on the efforts of the Commission to meet its California Constitutional Mandate.

Vincent Barabba

Commissioner
California Citizen Redistricting Commission